

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

In re: DEIRDRE C. GLASCOE,
Appellant

2022-1073

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in No.
88374879.

PER CURIAM.

ORDER

Deirdre C. Glascoe appeals from a final decision of the Trademark Trial and Appeal Board affirming the refusal to register the mark SCIENTIFIC STUDY OF GOD. This court, having considered the Board's decision and Ms. Glascoe's opening brief, summarily affirms that decision.

Ms. Glascoe applied to register the mark SCIENTIFIC STUDY OF GOD in International Class 42 for scientific research. She submitted a specimen consisting of a webpage printout that described her services as "[a] better way to study God, Man and the Universe. Analyzing the 'process of creating a human being, the earth, the universe and its environment using object-oriented design, a computer program and instructions from the Holy Bible[.]'" ECF No. 1-2 at 9.

The examining attorney refused registration on the ground that the mark was “merely descriptive” of the services identified under 15 U.S.C. § 1052(e)(1). In particular, the examining attorney found that, when viewed as a whole, the mark described a service that uses systematic scientific methods to examine and analyze the creator and ruler of the universe, and hence, merely describes the type or function of the research and subject matter or purpose of the research. Ms. Glascoe appealed the examining attorney’s rejection to the Board, which affirmed. Ms. Glascoe then filed this appeal and her opening brief.

“A term is merely descriptive if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services with which it is used.” *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963 (Fed. Cir. 2007) (citing *In re Gyulay*, 820 F.2d 1216, 1217 (Fed. Cir. 1987)). Citing the common ordinary definitions of “scientific,” “study,” and “God,” the Board agreed with the examining attorney that the proposed mark described scientific research about God. The Board further concluded that the evidence of record reflected that the mark merely described Ms. Glascoe’s services identified in the application. Ms. Glascoe has failed to make any cogent, non-frivolous argument as to why the Board’s determinations were incorrect.

Because Ms. Glascoe’s opening brief raises no substantial question regarding the outcome of the appeal, the court affirms, and finds it appropriate to do so by summary order. *See Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994) (“We hold that summary disposition is appropriate, *inter alia*, when the position of one party is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists.”).

Accordingly,

IT IS ORDERED THAT:

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- (1) The final decision of the Trademark Trial and Appeal Board is summarily affirmed.
- (2) Any pending motions are denied as moot.
- (3) Each side shall bear its own costs.

FOR THE COURT

April 20, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court